



Zoning Administrator NOTICE OF DECISION

Date: April 5, 2012
Applicant: Carmen Saucedo
Case No.: DRC-11-04
Site Address: 225 Third Avenue
Project Planner: Michael W. Walker

Notice is hereby given that on April 5, 2012, the Zoning Administrator considered an Administrative Design Review application filed by Carmen Saucedo ("Applicant/Owner"), requesting approval for the conversion of the front portion of an existing commercial building into a new restaurant with a lower and upper deck for outdoor dining ("Project") located at 225 Third Avenue ("Project Site"). The property is zoned V-2 Village district by the Urban Core Specific Plan (UCSP), and designated Mixed-Use Residential (MUR), by the General Plan. The proposed Project is more specifically described below:

The Project site is a 5,324 sq ft lot developed with one-story 3,162 sq ft., single-story commercial building. The existing building includes a 644 sq ft. residential unit attached at the rear of the building with two tandem parking spaces accessed from an alley; a 268 sq ft. candy store; and 2,214 sq ft. of office space.

The Project remodel includes converting 2,033 sq ft of the existing office space and adding 97 sq ft. for a new full service restaurant, with incidental sale of alcohol for onsite consumption. The conversion features two outdoor dining decks: a 230 sq ft. deck at ground level; a recessed 350 sq ft. upper level deck above the lower deck; and 88 sq ft. for access areas. Outside access to the upper deck will be by exterior stairs and a single load ADA compliant elevator at the south end of the building. The Project remodel will add 765 sq ft. to the existing building's square footage for a total of 3,927 sq ft. The Project also includes a significant remodel of the building's front elevation. The front elevation will be highlighted by four columns, an archway at the main entrance, iron guardrails for the lower and upper decks and the exterior staircase, and planters placed near the main entrance. The exterior finish will match the rest of the building, which includes stucco.

The Project's design was reviewed based on the Village District Design Principles including: 1) promoting sound architectural practices; 2) retaining or repeating traditional façade components; 3) developing a steady rhythm of façade widths; 4) creating a comfortable scale; and 5) support pedestrian-oriented activity at the sidewalk and amenity areas. The Project emphasizes Principles 4 and 5 because it will bring the building closer to the sidewalk with an outdoor dining concept that will engage pedestrians with the use while maintaining a compatible scale with adjacent storefronts.

The Project has been reviewed by Planning staff for compliance with the California Environmental Quality Act (CEQA) and has determined that the Project qualifies for a Class 3 categorical exemption pursuant to Section 15303 (New Construction or Conversion of Small Structures) of the State CEQA Guidelines.

The Zoning Administrator, under the provisions of Section 19.14.582 I of the Chula Vista Municipal Code (CVMC), and based on the adopted development regulations and applicable design guidelines found in the UCSP, has approved the Project as described on the application submitted by the Applicant subject to the requirements listed below. The requirements for approval shall be implemented or satisfied prior to issuance of building permits, unless otherwise specified in the conditions of approval. The Project's design adequately addresses the following findings:

1. That the Project is consistent with the development regulations of the Urban Core Specific Plan, CVMC Title 19, and other applicable regulatory documents; and
2. That the design features of the Project are consistent with, and are a cost effective method for satisfying the Village District Design Guidelines of the Urban Core Specific Plan.

Approval of DRC-11-04 is conditioned upon the following:

I. The following conditions of approval shall be satisfied prior to the issuance of building permits, unless otherwise specified in the individual condition of approval.

1. The Applicant/Property Owner shall execute this document by making a true copy and signing both this original Notice of Decision and the copy on the lines provided below, said execution indicating that the Applicant/Property Owner has read, understood and agreed to the conditions contained herein, and will implement same. Upon execution, the true copy with original signatures shall be returned to the Development Services Department. Failure to return the signed true copy of this document within 30 Days of the effective date herein shall indicate the Applicant/Property Owner's desire that the project, and corresponding application for building/grading permits and/or business license, be held in abeyance without approval.

Signature of Property Owner/Applicant

Date

Planning Division Conditions:

2. The Applicant shall ensure the site is developed in accordance with the plans, which include a site plan, floor plan, elevation plan, and the exterior colors and finish specified on the plans and photo simulations, found in file DRC-11-04 stamped approved April 5, 2012 on file in the Planning Division, the conditions contained herein, and Title 19.
3. The Applicant shall pay all applicable fees, including any unpaid balances of permit processing fees and/or Full Cost Recovery (FCR) charges associated with the project and linked to Project Account BL-969.

Building Division Conditions:

4. The Applicant shall comply with the 2010 California Building Code, 2010 California Mechanical Code, 2010 California Plumbing Code, 2010 California Electrical Code, 2010 California Fire Code, 2008 California Energy Code, the 2010 Green Building Ordinance, Title 24 ADA accessibility requirements, and all other locally adopted City and state requirements.

Land Development Division Conditions:

5. The Applicant shall pay the following applicable fees:
 - Sewer Capacity
 - Traffic Signal
 - Public Facilities Development Impact (PFDIF)
 - Western transportation Development (WTDIF)
6. The Applicant shall be required to obtain a construction permit from the Engineering Department to perform all work in the City's right-of-way including:
 - Removal and replacement of any broken/damaged curb, gutter or sidewalk as determined by the Public Works Inspector.
 - Removal and replacement of any sidewalks, pedestrian ramps and driveways that do not meet the City of Chula Vista's Design Standards and ADA requirements.
7. The Applicant shall obtain approval of an encroachment permit from the City of Chula Vista for any private improvements within the Right-of-Way.
8. The Applicant shall provide a memorandum demonstrating the net change in flows per the Subdivision Manual, listing existing and proposed fixture units and total number of seats.
9. The Applicant shall show proof of an application applied for a Industrial Wastewater Discharge permit obtained from the City of San Diego Metropolitan Industrial Wastewater Control Program.

II. Prior to occupancy or final inspection.**Fire Department Conditions:**

10. The Applicant shall provide a Knox Vault at the building's main entrance and a Knox Box at the fire control room.
11. The Applicant shall provide a fire extinguisher for every 3000 square feet and at a location within 75 feet of travel in any direction.
12. The building(s) shall be addressed in accordance with the following criteria:

- 0 – 50ft from the building to the face of the curb = 6-inches in height with a 1-inch stroke
- 51 – 150ft from the building to the face of the curb = 10-inches in height with a 1 ½ - inch stroke
- 151ft from the building to the face of the curb = 16-inches in height with a 2-inch stroke

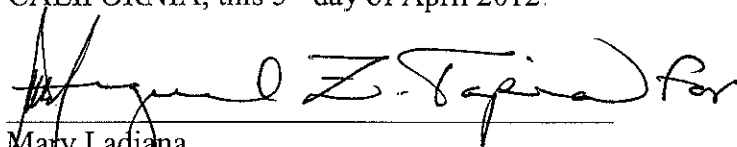
General Services Department Conditions:

13. The Applicant shall enlarge the existing trash enclosure to meet current City standards pursuant to the Recycling and Solid Waste Planning Manual, and provide a Construction Debris Recycling plan and performance deposit for review and approval by the General Services Department.

III. The following on-going conditions shall apply to the Project as long as it relies upon this approval.

14. Approval of this request shall not waive compliance with all sections of the Urban Core Specific Plan, Title 19 of the Municipal Code, and all other applicable City Ordinances in effect at the time of building permit issuance or the approval of this Design Approval.
15. The Applicant/Property Owner shall and does hereby agree to indemnify, protect, defend and hold harmless City, its Council members, officers, employees, agents and representatives, from and against any and all liabilities, losses, damages, demands, claims and costs, including court costs and attorneys' fees (collectively, "liabilities") incurred by the City arising, directly or indirectly, from (a) City's approval and granting of this variance, and (b) City's approval or issuance of any other permit or action, whether discretionary or non-discretionary, in connection with the use contemplated herein. Applicant/Property Owner shall acknowledge their agreement to this provision by executing a copy of this conditional use permit where indicated, above. Applicant/Property Owner's compliance with this provision is an express condition of this variance and this provision shall be binding on any and all of Applicant/Property Owner's successors and assigns

APPROVED BY ZONING ADMINISTRATOR OF THE CITY OF CHULA VISTA, CALIFORNIA, this 5th day of April 2012.



Mary Ladiana
Zoning Administrator